Theresa Rykaczewski

Petitioner

* BEFORE THE * ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 93-150-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioner herein requests a variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a wheelchair ramp with a front yard setback of 0 ft., in lieu of the required 18.75 ft., and a side yard setback of 2 ft. in lieu of the required 7.5 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available. there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

IT IS ORDERED by the Zoning Commissioner for Baltimore day of December, 1992 that the Petition for a Zoning Variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a wheelchair ramp with a front yard setback of 0 ft., in lieu of the required 18.75 ft., and a side yard setback of 2 ft. in the required 7.5 ft., in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > Zoning Commissioner

for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

December 9, 1992

Mrs. Theresa Rykaczewski 7978 St. Monica Drive Baltimore, Maryland 21222

> RE: Petition for Administrative Zoning Variance Case No. 93-150-A 7978 St. Monica Drive

Dear Mrs. Rykaczewski:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Lawrence E. Schmidt Zoning Commissioner

LES:mmn

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7978 ST. Mavica DR 2/222 which is presently send D.R. 10.5

This Potition shall be filed with the Office of Zening Administration & Development Management.

The undereigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 301.1 TO ALLOW A WHEELCHAIR RAMPWITH A FRONT SETBACK O' AND SIDE SETBACK OF Z' IN LIEW OF THE REQUIRED 18.75 AND 7.5' RESPECTIVELY

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) I NEED A WHEELCHAIR RAMP BECAUSE MY SEVEN-YEAR-OLD DAUGHTER, ASHLEY, IS PHYSICALLY HANDICAPPED AND MUST USE AN ELECTRIC WHEELCHAIR . AT THE PRESENT TIME ASHLEY DORS NOT HAVE A WAY TO GET IN AND OUT OF OUR HOME IN A WHERICHAIR SHE NEEDS FULL USE OF THE WHEEL CHAIR SO THAT SHE CAN MEET Property is to be posted and advertised as prescribed by Zoning Regulations. HER SCHOOL BUS.

I, or we, agree to pay expenses of above Variance advertising, poeting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Saltimore County. VWe do solemnly declare and affirm, under the penalties of perjury, that I'we are the legal owner(s) of the property which is the subject of this Peteign. THERESA RYKACZEWSKI

(Type or Print Name) 7978 ST. MONICABR 477-2906 EDWARD BURNHAM VO

2419 KEN OAK RD 21209 664-5438

111 West Chesapeake Avenue

Towson, MD 21204

(410) 887-3353

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 7978 ST. MONICA DR

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administra

Variance at the above address: (indicate hardable or practical difficulty) I NEED A WHEELCHAUR RAMP BECAUSE MY SEVEN-YEAR-OLD DAUGHTER ASHLEY, IS PHYSICALLY HANDICAPPED AND MUST USE AN PLECTRIC WHEBLCHAIR. AT THE PRESENT TIME ASMLEY DOES NOT HAVE A WAY TO GET IN AND OUT OF OUR HOME. SHE NEEDS FULL USE OF THE WHEELCHAIR SO THAT SHE CAN MEET HER SCHOOL BUS.

That Affinet(s) acknowledge(s) that if a protest is filed, Affinet(s) will be required to pay a reposting and admay be required to provide additional information.

1 HEREBY CERTIFY, this 15 day of NOULL Ger., 1952, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Therese Rytaczewsk

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiants(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowle

AS WITNESS my hand and Notariel Seal. 11/192

My Commission Expires 5:1/04

THE DESCRIPTION -3 copies required

Three copies of the soning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The soning

BONING DESCRIPTION FOR 7978 ST. MONICH DRIVE

side of ST. MANICA Beginning at a point on the NORTHWEST orth, south, east or west)
which is DRIVE st on which property fronts)

wide at the distance of S30 FEET SAUTHWEST

(number of feet) (north, south, east or positive of the centerline of the nearest improved intersecting street NORTH POINT BLVD,

2633 SOFT.

*If your property is not recorded by Plat Book and Polio Number, then DO NOT attempt to use the Lot, Block and Bubdivision description as shown, instead state: "As recorded in Deed Liber (___), Folio (___)" and include the measurements and directions (metes and bounds only) here and on the plat in the correct Typical motor and bounds: 8.87° 12' 13" R. 321.1 ft., 8.18° 27' 93" E. 87.2 ft., 8.62° 19' 00" W. 310 ft.,

and M.00" 15' 22" W.80 ft. to the place of heginning.

W WS ST. Mories Inds (7978) 530' 5/N.D. BING

Zoning Administration & Development Management

11/05 50

Ms. Theresa Rykaczewski 7978 St. Monica Drive Baltimore, MD 21222

improvements that may have a bearing on this case.

RE: Case No. 93-150-A, Item No. 161 Petitioner: Theresa Rykaczewski

November 25, 1992

Petition for Administrative Variance Dear Ms. Rykaczewski:

Baltimore County Government
Office of Zoning Administration

and Development Management

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attornevs who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Transfer to the first of the second of the second

111 West Chesapeake Avenue

Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this

5th day of November, 1992.

Zoning Plans Advisory Committee

Petitioner: Theresa Rykaczewski Petitioner's Attorney:

Printed on Recycled Paper

HUT	chorized signature		Date ///23/9	
File	Project Name Number Waiver Number	Zoning Issue	Meeting Date	
✓	Charles L. and Maureen Lamoreaux.	148	11-16-92 NC	
DED	DEPRM RP STP TE	******		
	Stephen F. and Christopher S. Je	- - -		
DED ==	DEPRM RP STP TE	154	(6Vmm)	
	John and Caole Villanova	156		
	DEPRM RP STP TE		NC	
==	Keys Development Corporation	157	Comm	
	DEPRM RP STP TE	· -		
/==	Steven J. and Beverly A. Timchula		NC	
	DEPRM RP STP TE		• •	
/	Steven M And Deborah S. Faulkner	159	NC	
	DEPRM RP STP TE			
,	Ralph L. and Elsie M. Hackler	160	NC	
DED ≃≖	DEPRM RP STP TE	322223277 222222	*=====================================	
	Theresa Rykaczewski	161		
DED	DEPRM RP STP TE		NC	
==	Jean Romadka			
DED	DEPRM RP STP TE	162	NC	
22	Residuary T. of Milton Schwaber			
	DEPRM RP STP TE			
	T 10			
	Richard M. Diotte			

SHA	Maryland Department of Transportation State Highway Administration	
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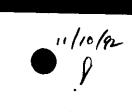
Ms. Julie Winiarski

Dear Ms. Winiarski:

Zoning Administration and

Development Management County Office Building

111 W. Chesapeake Avenue Towson, Maryland 21204



Baltimore County
Item No.: \$ 161 (LJ6)

This office has reviewed the referenced item and we have no objection to approval as it

Very truly yours,

David N Rang 11/10/12

does not access a State roadway and is not effected by any State Highway Administration

Please contact David Ramsey at 410-333-1350 if you have any questions.

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toli Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Thank you for the opportunity to review this item.

ZONING OFFICE

93-150-A 12-7-92

INTER-OFFICE CORRESPONDENCE

BALTIMORE COUNTY, MARYLAND

TO: Arnold Jablon, Director Zoning Administration and Development Management

DATE: November 17, 1992

Ervin Mc Daniel, Chief Office of Planning and Zoning Development Review Section

Petitions from Zoning Advisory Committee (November 16, 1992)

The Office of Planning and Zoning has no comments on the following petition(s):

Charles and Maureen Lamoreaux, Item No. 148 John and Carole Villanova, Item No. 156 Steven and Beverly Timchula, Item 158 Theresa Rykaczewski, Item No. 161 Jean Romadka, Item No. 162

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Division Chief: Emer Manuf

EMcD/FM:rdn

(410) 887-4500

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building

RE: Property Owner: THERESA RYKACZEWSKI

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988

Special Inspection Division

JP/KEK

Authorized sign Project Na		Cong	Date /1-24-9
ile Number	Waiver Number	Zoning Issue	Meeting Date
Keys Devel	opment Corporation		
ED DEPRM RP STP	-	157	11-16-92
/ Steven J.	======================================		WRITEN COMME
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Steven M A	essessessessessesses nd Deborah S. Faulkne	**************************************	
D DEPRM RP STP		159	NO COMMENTS
Ralph L. ar	nd Elsie M. Hackler	:======================================	
D DEPRM RP STP	TE	160	IN PROCESS
Theresa Ryk		***************	************
D DEPRM RP STP	TE	*161	NO COMMENT
Jean Romadk		32222 ²²²² 22222222	22532222222222
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	. of Milton Schwaber	- Carroll Indepen	22222222222 doob_C)
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Steven and N	ladine Mosgin		
DEPRM RP	-	129	11-2-92
essessesses / Edward I A-	*******		NO COMMENTS
	d Linda M. Gittings	134	

WRITTEN COMMENTS.

NO COMMENTS

ERIC RE-STP-

Richard E. Shetrone Jay E. Boyd

DEPRIN RP

93-151-A 12/7/92

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director Office of Zoning Administration and Development Management

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 162 Romadka Property Chesapeake Bay Critical Area Findings

DATE: December 9, 1992

SITE LOCATION

The subject property is located at 2339 Tickwood Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Ms. Jean Romadka

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C.1 of the Baltimore County Zoning Regulations to permit a side yard of two feet in lieu of the required ten feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

11/23/92 Development Review Committee Response Form R. Authorized signature Date 11/2/12 Meeting Date Zoning Issue File Number Charles L. and Maureen Lamoreaux 11-16-92 DED DEPRM RP STP TE Stephen F. and Christopher S. Jencks DED DEPRM RP STP TE John and Caole Villanova DED DEPRM RP STP TE Keys Development Corporation DED DEPRM RP STP TE Steven J. and Beverly A. Timchula DED DEPRM RP STP TE Steven M And Deborah S. Faulkner DED DEPRM RP STP TE Ralph L. and Elsie M. Hackler DED DEPRM RP STP TE Theresa Rykaczewski DED DEPRM RP STP TE Jean Romadka Residuary T. of Milton Schwaber - Carroll Independent Fuel

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

NOVEMBER 17, 1992

Towson, MD 21204

#7978 ST. MONICA DRIVE

Item No.: * 161(LJG) Zoning Agenda: NOVEMBER 16, 1992

corrected or incorporated into the final plans for the property.

edition prior to occupancy.

Richard M. Diotte

DEPRIT RE STE

REGULATIONS AND FINDINGS

- 1. Regulation: "A minimum 100 foot buffer shall be established land-ward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Section 26-449(a)).
- a. Redevelopment if less than a 100 foot buffer exists, the buffer is established from the limit of existing permitted disturbance.
- b. The natural vegetation occurring in the buffer shall remain undis-
- c. Development activities, including redevelopment activities such as structures, roads, parking areas, and disturbances are not permitted in the buffer.
- <u>Finding:</u> The proposed construction is located at the limit of permitted disturbance. Therefore, no disturbance of the adjusted buffer will occur and the project is in compliance with this regulation.
- Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.
 - Finding: Tidal wetlands occupy the southern half of the property.

 Non-tidal wetlands are not present on or within the immediate vicinity of this site. There is no dredging, filling or construction proposed in the tidal wetland.
- Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.
- Finding: The existing and proposed development are well under the 15% impervious surface limits. Therefore, the proposed development is in compliance with this regulation.
- 4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" < COMAR 14.15.02.04 C.(5)(e)>.
 - Finding: The existing forest cover for this site exceeds the 15% minimum and is in compliance with the above regulation. However, property owners are always encouraged to plant additional native plants since trees are an important factor in improving water quality.

Mr. Arnold E. Jablon December 9, 1992 Page 3

- Regulation: "Infiltration of stormwater shall be maximized through-out the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.
 - Finding: Stormwater runoff shall be directed from impervious surfaces associated with this development, to previous areas, to encourage maximum infiltration. These measures will ensure that the requirements of this regulation have been met.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal will comply with Chesapeake Bay Critical Area Regulations if it is conditioned to meet the requirements in Regulation 5 of these findings. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

> Department of Environmental Protection and Resource Management

JJD:SA:ju

Attachment

cc: Ms. Jean Romadka

ROMADKA/WQCBCA

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

Hovember 12, 1992

(410) 887-3353

Therese Rykaczewski 7978 St. Momica Drive Bultimore, Maryland 21222

111 West Chesapeake Avenue

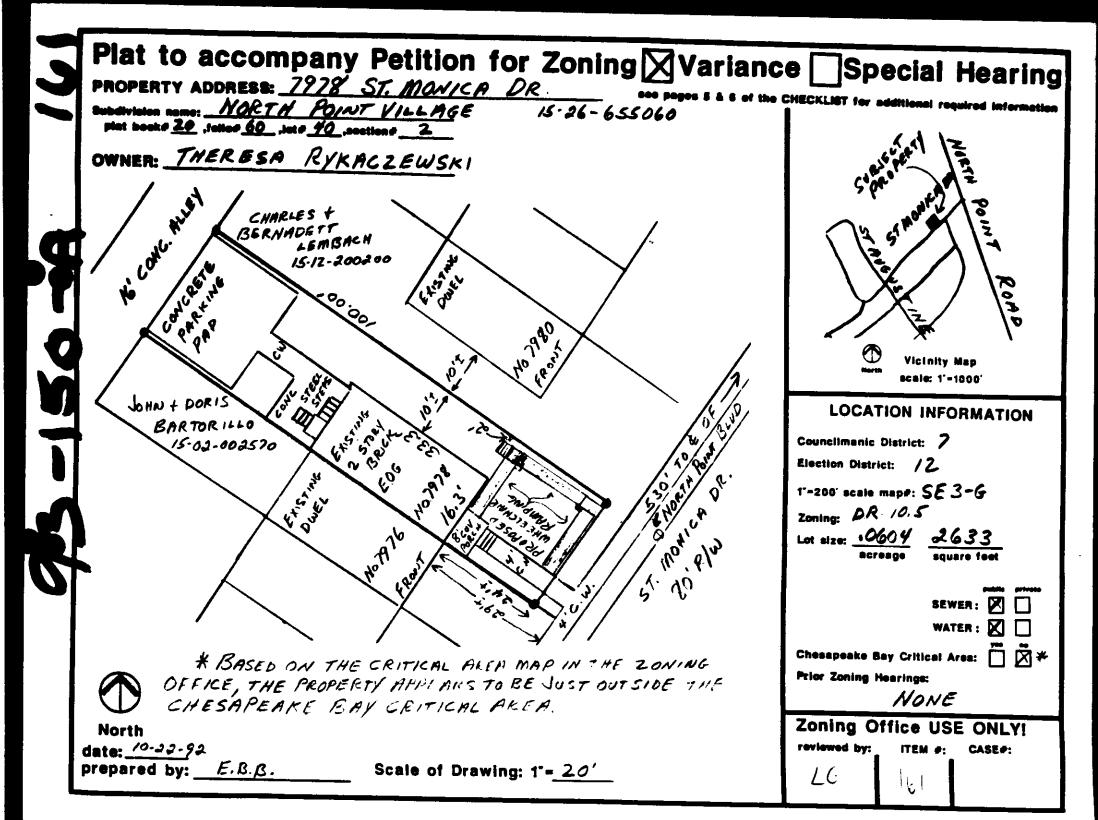
Towson, MD 21204

No: CASE HUMBER: 93-150-A LOCHTON: N/S St. Monice Drive, 530' S of c/l North Point Bouleverd 7978 St. Homica Drive 15th Election District - 7th Councilmenic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before November 22, 1992. The closing date is December 7, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) demy the requested relief, or (c) demand that the matter be set in for a public bearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.
- PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.





Ashly Wish



